

**Minutes of the Regular Meeting of The
New Jersey Maritime Pilot and Docking Commission**

August 21, 2018

The regular meeting of the New Jersey Maritime Pilot and Docking Pilot Commission was held on Tuesday, August 21, 2018 at One Penn Plaza East, Board Room, Newark, NJ 07105.

Commissioner Dacey called the meeting to order at 10:09 AM.

Open Public Meeting Statement

Pledge of Allegiance

Roll Call

Commissioner Timothy J. Dacey (present); Commissioner Brian McEwing (present); Commissioner Jacob Shisha (present); Commissioner Charles Wowkanech (absent)

Approval of the July 17, 2018 regular meeting minutes

A motion was made by Commissioner McEwing and seconded by Commissioner Shisha to approve the July 17, 2018 meeting minutes. All voted in favor.

Resolution #18-24 to approve the August, 2018 Treasurers Report

A motion was made by Commissioner McEwing and seconded by Commissioner Shisha to pass Resolution #18-24 to approve the August, 2018 Treasurers Report. All voted in favor.

Executive Director's Report

- A. Hudson River Update - Since the Commission's last meeting, there has been reports of five transport jobs on the Hudson River
- B. Maritime Apprentice Selection Process - The Committee is still in the process of reviewing applications in an attempt to decrease the number of those that will be interviewed to about fifty. So far of the 81 sent for testing, the Committee has eliminated 5. The Committee will meet tomorrow morning at the Pilot Station House to go over interview questions and procedures. The Committee will also interview two of the applicants that will be offshore during the two weeks that were selected for interviews.
- C. FY18 Audit - Unfortunately the Commission did not receive any responses from the request that was sent out to potential auditors in the area, including Kayode Agunbiade who has done the last two audits. Agunbiade is on an extended vacation in his country). At the advice of the authorities unit, Ms. Stuckey reached out to counsel to get advice on how the Commission should proceed and whether the Commission needed to complete a formal RFP process. Counsel has advised that even though the Commission is not required to do an annual audit we would need to follow the procedures outlined in E.O. 122. Counsel also suggested that the Commission send the letter with the RFP form to auditors that were on previous lists that were posted by Treasury.
- D. Annual Report - The Commission has been receiving positive feedback regarding the 2018 annual report. In addition to the phone calls, Ms. Stuckey provided the Commissioners with two letters received from two Assemblypersons thanking the Commission for the informative report and offering their future assistance.
- E. New Coast Guard Physical Form - The Commission has begun to receive the new physical forms. In reviewing them, staff noticed that the new forms don't require the physician to indicate whether the applicant is competent for duty. After some checking around, Ms. Stuckey has been advised that the physicals have been changed and are used as an application for mariners to receive their medical certificate. Ms. Stuckey provided the Commission with a copy of the

certificate along with the FACT document that explains the purpose of the certificate. Not all New Jersey licensed pilots and registered apprentices forward the certificate to the Commission's office. Moving forward, Ms. Stuckey will send out an advisory informing all pilots and apprentices that the medical certificate is to be forwarded to the Commission's office as soon as it is received.

- F. Atlantic City Licenses - There are currently two pilots that are licensed for the Atlantic City route one from New Jersey and the other from New York. Both are approaching retirement age. Sandy Hook has identified four pilots that are interested in getting a license for that route. Ms. Stuckey reminded the Commission that she contacted the Coast Guard and they waived the requirement for a federal license for the inlet with the assurance that the Commission would properly train, test and regulate any pilots that the Commission sent to work there. Ms. Stuckey provided a letter that was sent to Captain Smith requesting a meeting for Commander Othuis and Ms. Stuckey to go over the changes in the channel to ensure the Commission has the proper information to update the test. The meeting is scheduled for next Thursday, August 30th at 12pm. After consultation with Captain Oldmixon, it is recommended that the test should consist of about 15-20 questions with a chartlet. In the meantime, Sandy Hook will begin to send pilots to break-in.
- G. Pilot Station House Lounge - Ms. Stuckey provided the Commission with a photo of the lounge area and dedication plaque that was donated to Sandy Hook and their new pilot station house.
- H. Apprentice Training Report - Ms. Stuckey provided the Commission with a copy of the Sandy Hook apprentice training report. She advised the Commission that apprentice James Britton is the next New Jersey apprentice that will sit for his state exam. It is anticipated that he will stop up on February 1, 2019 and test during the summer of 2019.
- I. Pilot Test Request - The Commission received a request from Harbor Pilots to test Apprentice Pilot Russell Henschman. Ms. Stuckey will meet with Mr. Henschman on August 22nd to provide him with a study guide and schedule his exam. Ms. Stuckey plans to schedule Russell Henschman's test sometime during the week of September 24, 2018.

- J. Maritime Association - Ms. Stuckey provided the Commission with a copy of a letter that the Maritime Association sent to the Board of Public Utilities outlining the commercial industries concerns in ensuring that the offshore wind farms are installed safely. This information has been forwarded to the Authorities Unit and Adam Sternbach has assured Ms. Stuckey that he will get it to the proper authorities.
- K. Reevaluation Study - The USAS is conducting a reevaluation study to determine whether existing anchorage grounds will support the 50ft channel tomorrow at Fort Wadsworth. Ms. Stuckey had initially RSVP'd to attend, however a Maritime Pilot Apprentice Selection Committee meeting is taking place on the same day and she will not be able to attend. Ms. Stuckey also, missed the last meeting that took place on August 1st, as it occurred on the same day Paul Torres was taking his state exam. Captains Oldmixon and Flannery will update the Commission on both meetings.
- L. Industry Events - The Marine Society will hold its annual tour on Tuesday, September 18th leaving out of Chelsea Piers. Port Industry Day will take place on September 24th at Liberty House in Jersey City. Ms. Stuckey advised that if any of the Commissioners are available to attend, to let her know and she will make the necessary RSVP's.
- M. Vacation Schedules - Ms. Stuckey plans to take two vacation days this coming Thursday and Friday. Mr. Hawkins currently does not have any vacation planned.
- N. Articles of Interest - Ms. Stuckey provided the Commission with several articles of interest that she encourages the Commissioners to read at their leisure.

Public Comment (s)

Comments from Captain John Oldmixon, President, Sandy Hook Pilots Association:

Captain Oldmixon reported that he attended the meeting with USAC to talk about deepening anchorages and how to proceed going forward. He states that he will keep the Commission updated on the progress.

Captain Oldmixon reported that the 50ft channel situation is mostly trying to clear east of berth 61 and making that berth a little wider.

Captain Oldmixon reported that there are a lot of big ships entering the port and all is going very well.

Comments from Captain Robert Flannery, Captain, Metro Pilots Association:

Captain Flannery reported there has been a problem for new pilots submitting trips on tugs and barges as qualifying for pilotage with the Coast Guard.

Ms. Stuckey advised Captain Flannery to send her the information needed so that she and Mr. Flannery can set up a meeting with the Coast Guard to discuss the issue.

Comments from Ed Kelly, Executive Director, Maritime Association:

Mr. Kelly reported that next week in Alaska there will be a meeting with the Higher Bracket Services Review Panel at NOAA to continue to push for federal funding for an innovative port system throughout the industry. He reports that New York and New Jersey positioned themselves to be the next port to be considered for the precision navigation application. Mr. Kelly reported that the advanced system will help the industry to better understand the seabed, currents and modeling. Noah will be visiting the New York, New Jersey ports at 3pm on September 5, 2018 and he encourages the Commission to participate in that discussion to enhance the safety of the ports.

Mr. Kelly reported that the anchorages issue that is now being looked into and should have been done with the 50ft channel project in the 90's. The issue was put on hold at that time because the Army Corp did a cost benefit analysis and at that time they did not see anchorage abilities as an economic benefit. He reports that now that the 50ft channel is done, this can be approached as a separate issue. Mr. Kelly reports that the Coast Guard, Corp of engineers and the Port Authority are highly motivated to get this done and he believes that this will finally go through.

Ms. Stuckey advised Mr. Sternbach that when the cost analysis study comes out, she will forward the findings to him.

Committee Reports

A. Investigation Committee :

- I. Donington - Based on the investigators report, Ms. Stuckey recommended that the Commission find no fault on the pilots and the file closed. A motion was made by Commissioner Shisha and seconded by Commissioner McEwing to accept the recommendations. All voted in favor.
- II. Ioanna D - Based on the investigators report, Ms. Stuckey recommended that the Commission find no fault on the pilots and the file closed. A motion was made by Commissioner Shisha and seconded by Commissioner McEwing to accept the recommendations. All voted in favor.
- III. M/V Birk - Based on the investigators report, Ms. Stuckey recommended that the Commission find no fault on the pilots and the file closed, but a report will be sent to the pilot, terminal and owner. A motion was made by Commissioner Shisha and seconded by Commissioner McEwing to accept the recommendations. All voted in favor.
- IV. AS Angelina - Based on the investigators report, Ms. Stuckey recommended that the Commission find no fault on the pilots and the file closed. A motion was made by Commissioner Shisha and seconded by Commissioner McEwing to accept the recommendations. All voted in favor.

Resolution #18-25 to Issue a license as a New Jersey Maritime Pilot to Paul Torres

A motion was made by Commissioner Shisha and seconded by Commissioner McEwing to Approve Resolution #18-25 to approve the Issue of a license as a New Jersey Maritim Pilot to Paul Torres. All voted in favor.

Resolution #18-26 to Approve the Appointment of Captain Jesse Wynn into the Harbor Pilot's Association Apprentice Training Program

A motion was made by Commissioner Shisha and seconded by Commissioner McEwing to Approve Resolution #18-26 to approve the Appointment of Captain Jesse Wynn into the Harbor Pilot's Association Apprentice Training Program. All voted in favor.

Captain Wynn gave a brief summary of his career to date and thanked the Commission for the opportunity.

Resolution #18-27 to Approve the Appointment of Captain Matthew Jernegan into the Harbor Pilot's Association Apprentice Training Program

A motion was made by Commissioner Shisha and seconded by Commissioner McEwing to Approve Resolution #18-27 to approve the Appointment of Captain Matthew Jernegan into the Harbor Pilot's Association Apprentice Training Program.

All voted in favor.

Captain Jernegan gave a brief summary of his career to date and thanked the Commission for the opportunity.

Executive Session

WHEREAS, the open Public Meetings Act provides that a public body such as The New Jersey Maritime Pilot and Docking Pilot Commission may meet in closed session to discuss legal and personnel matters, and

WHEREAS, the Commission desires to meet in closed session to discuss such matters.

NOW THEREFORE, be it resolved that the Commission shall at this time meet in closed session to discuss such matters the substance of the closed session would be disclosed publicly only if it would not warrant an invasion of privacy or constitute a breach of the attorney client privilege.

A motion was made by Commissioner Shisha and seconded by Commissioner McEwing that the Commission goes into Executive Session.

All voted in favor.

The Commission went into Executive Session at 10:42 AM.

Return to Public Session

A motion was made by Commissioner Shisha and seconded by Commissioner McEwing that the Commission return to Public Session.

All voted in favor.

The Commission returned to Public Session at 11:24 AM.

Resolution #18-28 to Upgrade Captain Ryan P. Pakalik to a pilot of the Fifth Grade A

A motion was made by Commissioner McEwing and seconded by Commissioner Shisha to pass Resolution #18-28 to Approve the upgrade of Captain Ryan P. Pakalik to a pilot of the Fifth Grade A.

All voted in favor.

Resolution #18-29 to Upgrade Captain Nicholas L. Pitch to a
pilot of the Sixth Grade B

A motion was made by Commissioner McEwing and seconded by Commissioner Shisha to pass Resolution #18-29 to Approve the upgrade of Captain Nicholas L. Pitch to a pilot of the Sixth Grade B.

All voted in favor.

Adjournment

A motion was made by Commissioner Shisha and seconded by Commissioner McEwing that the meeting be adjourned.

All voted in favor.

The meeting was adjourned at 11:30 AM.